

To: EOC Liaison[EOC_Liaison@epa.gov]
From: Higuchi, Dean
Sent: Fri 8/14/2015 5:47:01 PM
Subject: FW: Gold King Mine spill - CLAIMS Process Released

Thanks!

Dean Higuchi

Press Officer/Congressional Liaison/Public Affairs

US EPA, Region 9, Hawaii Office

higuchi.dean@epa.gov

808-541-2711

From: Higuchi, Dean
Sent: Sunday, August 09, 2015 2:26 PM
To: Montoya, Ken
Cc: Maier, Brent
Subject: Fw: Gold King Mine spill - CLAIMS Process Released

Hi Ken,

Just got this from R8 on claims processing....

Thanks!

From: Russo, Rebecca
Sent: Sunday, August 9, 2015 2:23 PM
To: Jonathan_Davidson@bennet.senate.gov; 'john_whitney@bennet.senate.gov'; 'rosemary_rodriguez@bennet.senate.gov'; 'sebastian_dawiskiba@bennet.senate.gov'; 'laura_sherman@bennet.senate.gov'; 'tim_prowitt@bennet.senate.gov'; 'chuck_poplstein@gardner.senate.gov'; 'betsy_bair@gardner.senate.gov'; 'Swager, Curtis

(Gardner); 'jennifer_loraine@gardner.senate.gov'; 'nicole_frazier@gardner.senate.gov'; Betsy_bair@gardner.senate.gov; betsy_bair@gardner.senate.gov; Hansen, Chris (Gardner; 'Marcus, Darlene'; 'tim.martin@mail.house.gov'; joshua.green@mail.house.gov; 'Aaron'; SweetieMarbury@DurangoGov.org; bgardner@silverton.co.us; gwen.lachelt@co.laplata.co.us; julie.westendorff@co.laplata.co.us; brad.blake@co.laplata.co.us; citycouncil@durangogov.org; ellen.roberts.senate@state.co.us; jpaul.brown.house@state.co.us; chris@frontier.net; ron.leblanc@durangogov.org; joe.kerby@co.laplata.co.us; sean.smith@co.laplata.co.us; sanjuancounty@frontier.net; rledger@bresnan.net; brad.cochennet@PSMedicalCenter.org; mwhiting@archuletacounty.org; ann.bruzzese@PSMedicalCenter.org; richard@population-matters.org; jodi.scarpa@psmedicalcenter.org; kkohake@yahoo.com; bobbylieb@frontier.net; byrd_s@fortlewis.edu; director@sjcph.org; sarah.jacobson@co.laplata.co.us; oem@sanjuancountycolorado.us; Claire Macpherson; Flannery O'Neil; Angelia Crowther; oem@sanjuancountycolorado.us; dwright@sjcd.org

Cc: McGrath, Shaun; Card, Joan; Smith, Paula; Myers, Craig; Faulk, Libby; Peterson, Cynthia; McClain-Vanderpool, Lisa; Ostrander, David; Way, Steven; Gray, David; Maier, Brent; Higuchi, Dean; Zito, Kelly; Distefano, Nichole; Levine, Carolyn; Snyder, Raquel; Janifer, Pamela; Harris-Bishop, Rusty; Higuchi, Dean; Curry, Ron; Coleman, Sam; Blumenfeld, Jared; R8

Documentation Unit Leader

Subject: Gold King Mine spill - CLAIMS Process Released

Hi all,

Please find below the following information about a claims process that has been set up.

Rebecca

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

Cell: 303-204-1930

A process exists for compensating citizens who suffer personal injury or property damage caused by US government actions. The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and the EPA actions, if known, causing the loss or damage to property, to either of the following contacts:

Richard Feldman
Claims Officer
U.S. EPA Office of General Counsel
1200 Pennsylvania Avenue, NW (MC 2399A)
Washington, D.C. 20460

Michael Nelson
U.S. EPA Region 8 Office of Regional Counsel
1595 Wynkoop Street (MC 8RC)
Denver, CO 80202

Alternatively, claimants may submit signed electronic versions of Standard Form 95 to EPA for the Gold King Mine Release via e-mail at R8_GKM_Claims@epa.gov beginning Tuesday, August 11, 2012.

The fillable PDF version of Standard Form 95 is available in the documents section of this website or via the link below:

<http://www.epaosc.org/sites/11082/files/StandardForm95.pdf>

Standard Form 95 is used to present claims against the United States under the Federal Tort Claims Act (FTCA) for property damage, personal injury, or death allegedly caused by a federal employee's negligence or wrongful act or omission occurring within the scope of the employee's federal employment.

Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that the EPA has 6 months to resolve a claim, the Agency will make every effort to respond to Gold King Mine spill claims as soon as possible. Claims must be presented to the EPA within two years after the claim accrues.